

REMARKS

Claims 1 through 22 were presented for examination in the present application. The instant amendment cancels claims 3 and 15 through 17 without prejudice and adds new claims 23 and 24. Thus, claims 1, 2, 4 through 14, and 18 through 24 are presented for consideration upon entry of the instant amendment.

Applicant submitted a Supplemental Information Disclosure Statement on January 3, 2006. Applicant respectfully requests consideration of the content of this disclosure.

Claims 8, 10-13, 15-19, and 21-22 were rejected under 35 U.S.C. §102 over U.S. Publication No. 2002/0111167A1 to Nguyen et al. (Nguyen). Claims 1-4, 6, 9, and 14 were rejected under 35 U.S.C. §103 over Nguyen in view of U.S. Patent No. 6,493,431 to Troen-Krasnow et al. (Troen-Krasnow). Claims 5 and 7 were rejected under 35 U.S.C. §103 over Nguyen and Troen-Krasnow in further view of U.S. Publication No. 2005/0097142A1 to Best (Best). Claim 20 was rejected under 35 U.S.C. §103 over Nguyen and Troen-Krasnow in further view of U.S. Publication No. 2001/0043259A1 to Ogata (Ogata).

Claims 3 and 15 through 17 have been cancelled rendering the rejection to these claims moot. Reconsideration and withdrawal of the rejections to claims 3 and 15 through 17 are respectfully requested.

Independent claim 1 provides that the messenger service system send "incoming message alarming information indicating arrival of the incoming message to a personal computer." Thus, claim 1 now requires sending the incoming message alarming information indicating that the arrival of the incoming message to a personal computer.

In contrast, Nguyen discloses a system and method of providing voice and data feature interaction in a Time Division Multiple Access (TDMA) radio telecommunication

network having a data network overlay (see the Abstract). Specifically, Nguyen relates to a system and method for providing voice and data features in TDMA networks that enable the Mobile Station to be reached by a data message when the subscriber is on a voice call and by a voice message when the subscriber is on a data call. In the system and the method, the subscriber may be provided with an indication that a call in the other mode is being received. See paragraph [0006].

In Nguyen, the indication that a call in the other mode is being received is finally sent to the called Mobile Station. See the paragraphs [0009] and [0010]. Therefore, Nguyen discloses that a subscriber of the Mobile Station is notified of the indication through this Mobile Station and not to the personal computer as recited by claim 1.

Therefore, it is respectfully submitted that Nguyen does not disclose or suggest present claim 1.

Troen-Krasnow is asserted by the Office Action as disclosing a server that facilitates notifying the called party of an incoming call. However, the server of Troen-Krasnow does not disclose or suggest claim 1, which requires sending the incoming message alarming information indicating that the arrival of the incoming message to a personal computer.

Best is asserted by the Office Action as disclosing an apparatus that increases data storage efficiency. However, the Best does not disclose or suggest claim 1, which requires sending the incoming message alarming information indicating that the arrival of the incoming message to a personal computer.

Applicant respectfully submits that there is simply no motivation to combine the wireless system of Nguyen with Ogata in the manner proposed by the Office Action to disclose or suggest present claim 1.

Obviousness can only be established by combining or modifying the teachings of

the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992); MPEP § 2143.01.

Applicant respectfully submits that there is no teaching in the cited art to combine the references in an attempt to produce the claimed invention.

Nguyen is directed to a system and method of providing voice and data feature interaction in a Time Division Multiple Access (TDMA) radio telecommunication network having a data network overlay. Ogata discloses an apparatus and method for detecting a remaining amount of developer.

It is respectfully submitted that one skilled art of voice and data systems would simply not look to developer systems such as that of Ogata.

Moreover, Applicant maintains that the Office Action has used an improper standard in arriving at the rejection of claim 1, based on improper hindsight which fails to consider the totality of Applicant's invention. More specifically the Office Action has used Applicant's disclosure to select portions of the cited references to allegedly arrive at Applicant's invention. In doing so, the Office Action has failed to consider the teachings of the references or Applicant's invention as a whole in contravention of section 103.

In applying Section 103, the U.S. Court of Appeals for the Federal Circuit has consistently held that one must consider both the invention and the prior art "as a whole", not from improper hindsight gained from consideration of the claimed invention. See, *Interconnect Planning Corp. v. Feil*, 227 U.S.P.Q. 543, 551 (Fed. Cir. 1985) and cases cited therein. There must be some reason for the combination other than the hind sight gleaned from the invention itself. *Id.*

In the instant Application, Applicant respectfully submits that there is no reason for the proposed combination, other than impermissible hindsight, to combine the telecommunication system of Nguyen with the developer system of Ogata.

Accordingly, it is respectfully submitted that Nguyen alone or in combination with Troen-Krasnow, Best, and/or Ogata does not disclose or suggest present claim 1, which requires sending the incoming message alarming information indicating that the arrival of the incoming message to a personal computer.

Claim 1 is therefore believed to be in condition for allowance. Claims 2, 4 through 7, and 23 are also believed to be in condition for allowance for at least the reason that they depend from claim 1. Reconsideration and withdrawal of the rejections to claims 1, 2, 4 through 7, and 23 are respectfully requested.

Independent claim 8, similar to claim 1 discussed above, requires “the messenger service system receives the base alarm information, and then sends incoming message alarming information indicating arrival of the incoming message to a personal computer.”

Again, Nguyen discloses that a subscriber of the Mobile Station is notified of the indication through this Mobile Station and not to the personal computer as recited by claim 8.

Troen-Krasnow and Best are not asserted by the Office Action as disclosing or suggesting claim 8, which requires sending the incoming message alarming information indicating that the arrival of the incoming message to a personal computer.

Moreover, Applicant respectfully submits that there is simply no motivation to combine the wireless system of Nguyen with Ogata in the manner proposed by the Office Action to disclose or suggest claim 8. Moreover, Applicant maintains that the

Office Action has used an improper standard in rejecting claim 8, based on improper hindsight, which fails to consider the totality of Applicant's invention.

Accordingly, it is respectfully submitted that Nguyen alone or in combination with Troen-Krasnow, Best, and/or Ogata does not disclose or suggest claim 8, which requires sending the incoming message alarming information indicating that the arrival of the incoming message to a personal computer.

Claim 8 is therefore believed to be in condition for allowance. Claims 9 and 10 are also believed to be in condition for allowance for at least the reason that they depend from claim 8. Reconsideration and withdrawal of the rejections to claims 8 through 10 are respectfully requested.

Independent claim 11 now requires, in part, "sending incoming message alarming information to a personal computer." Independent claim 18 now requires, in part, the step of "alarming arrival of the incoming message to a personal computer".

As discussed in detail above with respect to claims 1 and 8, it is respectfully submitted that Nguyen alone or in combination with Troen-Krasnow, Best, and/or Ogata simply does not disclose or suggest claims 11 or 18, each requiring sending the incoming message alarming information indicating that the arrival of the incoming message to a personal computer.

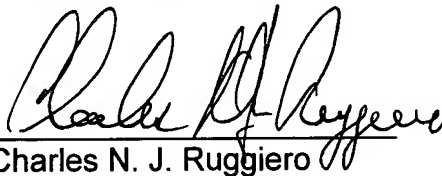
Independent claims 11 and 18 are therefore believed to be in condition for allowance. Claims 12 through 14, 19 through 22, and 24 are also believed to be in condition for allowance for at least the reason that they depend from claims 11 and 18, respectively. Reconsideration and withdrawal of the rejections to claims 11 through 14, 18 through 22, and 24 are respectfully requested.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

If for any reason the Examiner feels that consultation with Applicant's attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,

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